

**THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN**

ORDINANCE NO: G-19-12

AN ORDINANCE concerning
water and sewer service and charges

FOR the purpose of establishing a round up program; clarifying language; updating references; eliminating unnecessary provisions; and generally relating to water rents and water and sewer service.

BY repealing Sec. 25-1
The Code of the City of Frederick, 1966 (as amended)

BY adding Sec. 25-1
The Code of the City of Frederick, 1966 (as amended)

BY repealing Sec. 25-2
The Code of the City of Frederick, 1966 (as amended)

BY adding Sec. 25-2
The Code of the City of Frederick, 1966 (as amended)

BY repealing Sec. 25-2.1
The Code of the City of Frederick, 1966 (as amended)

BY repealing Sec. 25-2.2
The Code of the City of Frederick, 1966 (as amended)

BY repealing Sec. 25-12
The Code of the City of Frederick, 1966 (as amended)

BY adding Sec. 25-12
The Code of the City of Frederick, 1966 (as amended)

BY repealing Sec. 25-21
The Code of the City of Frederick, 1966 (as amended)

SECTION I. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that Sec. 25-1 of The Code of the City of Frederick, 1966 (as amended) be repealed and a new Sec. 25-1 be enacted to read as follows:

Sec. 25-1. Water and sewer charges.

- (a) **Establishment.** In accordance with this article, the City shall establish reasonable rates and charges for water service, also known in this article as "water rents", and reasonable rates and charges for sewer upkeep and sewer service.

- (b) **Administration.** Except as otherwise provided in this article, the Director of Finance is charged with the administration of the provisions of this article relating to billing and payment, and may establish rules and regulations as needed to implement those provisions.
- (c) **Billing.** The City shall send bills for water rents and sewer service to the property, the property owner, or the property owner's designee for each property served on a quarterly basis.
- (d) **Payment.** Each bill issued under this section will specify a due date at least 30 days after the bill is sent. All charges billed under this section are due and payable in full for the property on the due date, unless a payment plan is approved by the Director of Finance or the Director's designee. Payments made more than 30 days after the due date are subject to a penalty of 1% per month as well as disconnection in accordance with Sec. 25-2 of this article.
- (e) **Condominium regimes.**
 - (1) This subsection applies only to property subject to a condominium regime established under the Maryland Code, Real Property Article, Title 11.
 - (2) Notwithstanding any other law, if the City directly bills the governing body of a condominium or a person designated by the governing body of a condominium for water or sewer usage charges for all or a portion of the units in a condominium property, and a charge is in default for at least 60 days, the City shall post notice conspicuously at or near the entry to the common area of the condominium.
 - (3) City staff may enter onto the common area of a condominium property at a reasonable time to post the notice required under this subsection.

SECTION II. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that Sec. 25-2 of The Code of the City of Frederick, 1966 (as amended) be repealed and a new Sec. 25-2 be added to read as follows:

Sec. 25-2. Discontinuance and reconnection.

- (a) **Notice.** If any bill remains unpaid after the due date specified in the bill, the City shall send a written notice to the owner of the property served, via first class mail to the last known address of the owner, stating that the bill is in arrears and that water service will be discontinued following a period of at least 10 days after the date of the notice.
- (b) **Discontinuance.** After the notice period described in subsection (a) of this section, the City may discontinue water service to the property.
- (c) **Collections.** If any bill remains unpaid after 60 days from the due date specified in the bill:
 - (1) The bill and the reconnection charge shall be collectible from the property owner in the same manner and subject to the same interest as taxes are collectible in Frederick County; and

- (2) The water service charges and all penalties shall be a first lien on the property.
- (d) **Reconnection.** Following disconnection in accordance with Sec. 25-2 of this article:
 - (1) a reconnection charge reasonably related to the cost of reconnection, as established by the City's fee schedule ordinance, may be imposed;
 - (2) water service will be restored after the outstanding balance, including any interest, penalties, and reconnection fee, is paid in full; and
 - (3) a person may not reconnect water service to a property without permission of the Director of Public Works or the Director's designee. Violation of this paragraph is a misdemeanor.

SECTION III. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that Sec. 25-2.1 of The Code of the City of Frederick, 1966 (as amended) be repealed.

SECTION IV. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that Sec. 25-2.2 of The Code of the City of Frederick, 1966 (as amended) be repealed.

SECTION V. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that Sec. 25-12 of The Code of the City of Frederick, 1966 (as amended) be repealed and a new Sec. 25-12 be added to read as follows:

Sec. 25-12. Round up program.

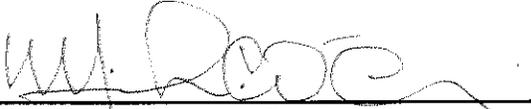
- (a) **Authority.** This section is established pursuant to the authority of the MD Code, Environment Article, Sec. 9-202.
- (b) **Establishment and purpose.** There is hereby established a round up program for the purpose of assisting homeowners who are having difficulty paying their water and sewer bills.
- (c) **Definition.** For purposes of this section, the "rounded amount" means the difference between the amount of the current service charges on a customer's water and sewer bill and the nearest dollar that is higher than the amount billed.
- (d) **Rounding up.** On a water and sewer bill, a customer will be given the option to pay the rounded amount. Once a customer chooses this option, the customer will be charged the rounded amount on future bills unless or until the customer opts out.
- (e) **Fund.** Rounded amounts will be placed into an account to assist residential customers facing financial hardship and possible water service disconnections.
- (f) **Administration.** The Mayor shall establish rules and procedures for the administration of this section, including a process for determining how the monies in the fund will be distributed.
- (g) **Penalties.** If a customer fails to pay the rounded amount, the unpaid rounded amount will be subject to interest, but will not serve as the basis for disconnection or lien.

SECTION VI. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that Sec. 25-21 of The Code of the City of Frederick, 1966 (as amended) be repealed.

SECTION VII. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK that this ordinance shall take effect on the date it is approved by the Mayor and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.

PASSED:

DATE:



May 2, 2019

**Michael C. O'Connor, President,
Board of Aldermen**

APPROVED:

DATE:



May 2, 2019

Michael C. O'Connor, Mayor

Approved for Legal Sufficiency:



City Attorney